



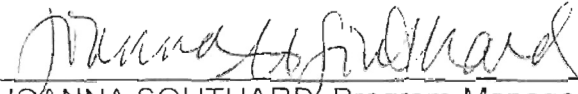
DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

August 2, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07102)

FROM:


JOANNA SOUTHARD, Program Manager
Ballot Pamphlet and Initiatives

SUBJECT: **INITIATIVE #1257**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**TANGIBLE BALLOTS.
DIRECT-RECORDING ELECTRONIC DEVICES.
STATUTE.**

The proponent of the above-named measure is:

Harry V. Lehmann
P.O. Box 1846
Novato, CA 94948-1846

(415) 897-2121

#1257

TANGIBLE BALLOTS.
DIRECT-RECORDING ELECTRONIC DEVICES.
STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Thursday, 08/02/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336)..... Thursday, 08/02/07
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a))..... Monday, 12/31/07*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b))..... Friday, 01/11/08

(If the Proponent files the petition with the county on a date prior to
12/31/07, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties Sunday, 01/20/08**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Wednesday, 03/05/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1257

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 01/20/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a)).....Saturday, 03/15/08*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)).....Monday, 04/28/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 03/15/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033)Friday, 05/02/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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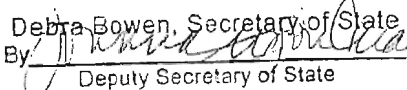
FILED

In the office of the Secretary of State
of the State of California

August 2, 2007

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

AUG 02 2007

Debra Bowen, Secretary of State
By 
Deputy Secretary of State


RE: Title and Summary for Initiative No. 07-0021
TITLE: TANGIBLE BALLOTS. DIRECT-RECORDING ELECTRONIC DEVICES.
STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0021 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



TONI MELTON
Initiative Secretary

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponent's public information:

Harry V. Lehmann
1450 Grant Avenue, Suite 205
P.O. Box 1846
Novato, CA 94948-1846
Telephone: 415 897 2121
Facsimile: 415 898 6959

Date: August 2, 2007
Initiative No. 07-0021
Amendment No. 1S

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

TANGIBLE BALLOTS. DIRECT-RECORDING ELECTRONIC DEVICES. STATUTE.

Amends definition of "ballot" to confirm that votes on a direct-recording electronic device must result in a paper or other tangible ballot. Eliminates the touchscreen on a direct-recording electronic device from the definition of "ballot." Expands definition of "ballot" to include physical objects that may be indelibly marked by voters' physical action and are susceptible to counting through use of ordinary physical senses. Does not prohibit use of legally approved methods of voting or vote counting, so long as tangible physical object results. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: One-time costs potentially in the tens of millions of dollars to replace or alter voting equipment. (Initiative 07-0021.)

Amdt. #1S

Harry Vere Lehmann, Principal Attorney
 Timothy J. Tomlin, Of Counsel
 Attorneys At Law

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June 11, 2007

RECEIVED

JUN 11 2007

INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

Ms. Toni Melton
 Initiative Secretary
 For Edmund G. Brown, Jr.
 Attorney General
 1300 I Street, Suite 125
 Sacramento, CA 94244-2550
 Via facsimile: 916-324-8835

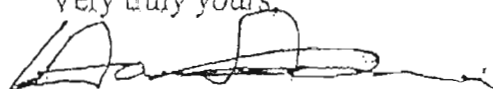
Proposed Initiative No. 07-0021

Dear Ms. Melton:

This letter seeks a small change in the language of our proposed initiative. It is now requested that the language describing proposed modifications to Elections Code section 301(e) be modified by the deletion of the second sentence, to wit, "Nothing in this subsection is intended to prohibit or limit the use of electronic, mechanical, optical, or other legally approved methods of reading or counting tangible ballots." Instead of that language, we request the insertion of the following: "Nothing in this subsection is intended to prohibit or limit any legally approved method of counting tangible ballots."

Our proposed Initiative, from the start, has always been utterly non-partisan in character. Our supporters include very Liberal people, as well as some Conservative people, and also many "Decline to State" independent voters, such as myself. We simply want to avoid the argument as to which method of counting the ballots is the best; that is an issue to be worked out by the Legislature and others charged with such responsibility. We thus, by this deletion, merely seek to avoid any appearance that we are favoring any one method of counting over another, since our only and sole goal here is to assure that there is something tangible to count. Thank you.

Very truly yours,



Harry V. Lehmann

encl: modified submission

State Initiative - as submitted to the Attorney General on May 23, 2007 Amdt. #15

Title and Text of Proposed Law: -California Tangible Ballot Act of 2008-

The Purpose of the proposed law is to Amend Elections Code §301 as follows:

(*Italics* denote deleted portions, underline denotes added text)

Elections Code §301

A "ballot" means any of the following:

(a) A single card with prescored, number positions that is marked by the voter with a punching device and the accompanying reference page or pages containing the names of candidates and the ballot titles of measures to be voted on with numbered positions corresponding to the numbers on the card.

(b) One or more cards upon which are printed the names of the candidates and the ballot titles of measures to be voted on by punching or marking in the designated area.

(c) One or more sheets of paper upon which are printed the names of candidates and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment.

(d) A large sheet of paper upon which is printed the names of candidates and ballot titles of measures to be voted on by pressing the designated area on a direct-recording electronic device, so long as a tangible ballot, printed on paper or otherwise tangible, results from the use of the electronic device.

Current subsection to be deleted: (e) *An electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area on the screen of a direct-recording electronic device.*

Proposed New Subsection: (e) A tangible physical object which may be marked, punched, written upon or otherwise indelibly affected by the physical action of the individual voter or the voters aide, which is ultimately susceptible to content recognition for vote counting purposes by a human being through the use of ordinary human physical senses. Nothing in this subsection is intended to prohibit or limit the use of electronic, mechanical, optical, or other legally approved methods of reading or counting tangible ballots. Nothing in this subsection is intended to prohibit or limit the use of electronic devices by disabled voters, including electronic touchscreen devices, so long as a tangible ballot, printed on paper or otherwise tangible, results from use of such electronic, or electronic and mechanical devices, and such tangible ballot is retained for vote counting and vote verification purposes.

} 6/11/07
deletion
HVL